

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO

FEB 25 2019

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

JESSE LEWIS,

Plaintiff

v.

CORECIVIC

2240 Hubbard Rd.

Youngstown, OH 44505

and,

CHRISTOPHER LAROSE

C/O CORECIVIC NEOCC

2240 HUBBARD Rd.

YOUNGSTOWN, OH 44505

and,

PETER BLUDWORTH

C/O CORECIVIC NEOCC

2240 HUBBARD RD.

YOUNGSTOWN, OH 44505

Defendants.

Case No.:

4:19CV 0410

JUDGE BOYKO

JUDGE:

MAG. JUDGE JAMES R. KNEPP II

PETITION FOR
WRIT OF HABEAS
CORPUS PURSUANT
TO 28 U.S.C.

SECTION 2241

COMES NOW the plaintiff, Jesse Lewis, Pro Se, who respectfully requests this Honorable Court for a writ of Habeas Corpus, directing the defendants to cease violations against the plaintiff's Constitutional rights under the Fifth, Sixth, First, and Fourteenth Amendments of the Constitution of the United States. In further support thereof, the plaintiff avers as follows:

I. BACKGROUND & CONTEXT

1. The plaintiff is an adult male of sound mind, currently on pre-trial detention at the Northeast Ohio Correctional Center, Youngstown Ohio. He has been detained at this facility as a result of pending Federal Case No. 17-CR-28-FPG, for the W.D.N.Y., and continuously now for approximately one year as he awaits trial, and assists in his own defense.
2. The N.E.O.C.C. houses approximately 450 Federal Pre-trial detainees. They are housed in separate "blocks," each block containing approximately 64 prisoners at and on any given day.
3. From at least the past year, up until ^{Approx.} February 18, 2019, a Law Library was provided - it contained 10 computers which in turn contained a LexisNexis application that offered access to most Federal Law resources, including Fed 2nd and 3rd.

4. Although those computers were rarely updated, they offered valuable access to the courts as I fight my case & make my defense for my criminal matter for which I am so confined.

Additionally, those same computers offered the ability of word processing, whereby I could type documents and print (when ink was available), including the printing of discovery items from my Rule 16 materials on my case. As such, I was able to assist my attorney in my defense. Also, I had been collaterally attacking a prior conviction in a state matter (at least attempting to). I had also been preparing to process a divorce action with the courts, and a small claims action; pro se. These matters all required access to the courts.

5. On ^{Approx.} February 18, 2019, per the direction of the defendants, the Law Library was removed - presumably in favor of a classroom. It was indicated that one (1) computer would be placed on each block per 64 prisoners. Throughout the month of February, indeed one computer (no printing capabilities or word processing), was placed in another block, outside of my ability to access it.

6. Currently myself, and 64 prisoners or greater, are unable to access the courts, prepare for trial, or prepare pro se actions or proceedings.

7. Throughout the month of February, as the Law Library was being phased out, I filed a grievance alleging my denial of access to the courts. That grievance went unanswered. I could not pursue the appeal without first a denial of my initial grievance.

8. Nevertheless, I attempted to speak with various officers in charge who informed me that their authority to remove access came from the defendants named herein, and the U.S. Marshals. On about February 15, 2019 I was able to gain information from a U.S. Marshal, who stated "access to the courts, is access to your attorney, period."

9. Others I spoke to indicated that at "any time" I could contact the facility librarian with an inmate request form, requesting any legal reference materials, and that I could review discovery materials through their Video conference, by request.

10. I subsequently request access to various legal materials (reasonable), from the librarian. After a week of waiting, I made an inquiry to which I was informed the librarian received no such request.

11. I also attempted to contact video conference to view discovery, on the approximately (9) times I tried, I was told they were too full.

12. Notably, both the librarian and video conference cater to about 1,500 state inmates, and as much as 600 ICE detainees, as well as the 450 plus Marshal prisoners.

13. Furthermore, even before the Law Library was closed in favor of a classroom, on many occasions I was unable to access the computers because of overcrowded conditions. In other words, even during the period the library had been open with 10 computers, those were inadequate to provide access to the courts for so many people.

14. All my attempts to rectify this matter have proven fruitless, and even if a single computer is eventually moved into the block I am on, based on the observations of what has happened in the other block, I will still be denied access to the courts by nature of overcrowding.

II. ARGUMENT

15. The complete denial of access to the courts (Law Library), is unconstitutional. It is preventing my ability to assist in my defense, to wit; I cannot review mountains of discovery material, listen to video or audio recordings as provided in my Rule 16, review agent reports, and more.

16. Additionally, because I cannot review caselaw, or legal materials, I cannot adequately prepare or, prepare at all, any pro se ~~pt~~ actions or respond to opposing parties. This is a fundamentally unfair denial of my Fifth And Fourteenth Amendment right to Due Process. It is unconstitutional that I am detained without bail, yet I can't defend myself against the same allegations keeping me detained.

17. It was also a great surprise to me when, contrary to my limited legal knowledge, a U.S. Marshal charged with upholding the Law stated that having zero access was OK, as long as I had counsel or stand by counsel. This reminds me of Casey v. Lewis, or Bounds v. Smith. I cannot recall the full cite because I have no access/ability to obtain that information anymore.

18. Having a fair trial and effective representation under the Sixth and Fifth Amendments, means being able to assist in my defense, understanding the charges and accusations lodged against me, and being able to defend against those. ~~tt~~

19. Currently, under these outrageous conditions, I may have ~~to~~ no other choice than to plead guilty because I cannot receive a fair opportunity to defend myself.

20. I have heard stories from people here who were detained in foreign countries, 2nd and 3rd world. Even they, were able to access a Law Library, they even had the ability to type and print their legal documents.

21. How utterly outrageous that CoreCivic cannot attain a constitutionally acceptable standard that even third world countries are able to attain.

22. I have to hand write this petition, but certainly there must be quite a number of prisoners less fortunate than I, who are unable to do so for lack of education or know-how.

WHEREFORE; in light of the above and foregoing, and in the manifest interests of Justice, I pray that a writ be granted, and that the defendants herein be answerable to the constitutional violations I have set forth herein. I further seek an immediate injunction to restrain further constitutional encroachments upon me; until a just disposition can be obtained. I further pray for any and all other relief this Honorable Court may deem just and proper. So I pray.

Date: February 20, 2019

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